

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

AFFIDAVIT

I, Erin North, Deportation Officer, Immigration and Customs Enforcement, United States Department of Homeland Security, being duly sworn, state the following:

1. That your Affiant is a graduate of the Federal Law Enforcement Training Center (“FLETC”) and has been employed as a federal officer of Immigration and Customs Enforcement (“ICE”), formerly the Immigration & Naturalization Service (“INS”), for seventeen years, during which time she has conducted numerous investigations relating to administrative and criminal violations of the Immigration & Nationality Act (“INA”);
2. That the information contained in this Affidavit is based on your Affiant’s personal participation in this investigation and from information provided to your Affiant by other law enforcement officers. This Affidavit is submitted for the limited purpose of presenting facts to support a probable cause finding for the issuance of a criminal complaint against Luis Gustavo MENDOZA Rangel, a/k/a Luis Gustavo Mendoza-Rangel, a/k/a Luis G Mendoza-Rengel (“MENDOZA Rangel”). Your Affiant has not included each and every fact known to her concerning this investigation, and she has set forth only those facts necessary for said purpose;
3. That sufficient facts exist to support a probable cause finding that MENDOZA Rangel has violated Title 8, United States Code, Section 1326(a)(1) (illegal reentry into the United States by a deported alien);
4. That, on February 18, 2022, MENDOZA Rangel was arrested by the Mooresville, North Carolina, Police Department for DRIVING WHILE IMPAIRED and FAILURE TO APPEAR ON MISDEMEANOR. The Mooresville, North Carolina, Police Department arrest prints were submitted to the FBI pursuant to the federal initiative titled Secure Communities via an Immigration Alien Query. The fingerprint-based report disclosed that he was the subject of FBI Number REL8EFPA, Immigration A-file Number 201-341-159, and that immigration records indicated that he was removed from the United States without record of legal reentry;
5. That, on January 24, 2023, MENDOZA Rangel was convicted in Iredell County, North Carolina, District Court for DRIVING WHILE IMPAIRED – Level 2 and DRIVING WHILE LICENSE REVOKED IMPAIRED REVOCATION, and he was sentenced to 12 months of confinement, suspended for 24 months of supervised probation;
6. That, on January 24, 2023, MENDOZA Rangel was convicted in Iredell County, North Carolina, District Court for DRIVING WHILE IMPAIRED – Level 2 and DRIVE AFTER CONSUMING < 21, and he was sentenced to 12 months of confinement, suspended for 24 months of supervised probation. Court records document that he

willfully refused to submit to a chemical analysis of his breath/ breath test for the arresting officer;

7. That, on June 27, 2023, MENDOZA Rangel was encountered and administratively arrested by the Charlotte, North Carolina, ICE Fugitive Operations Team at Mecklenburg County Probation Offices in Charlotte. ICE Officers fingerprinted and photographed MENDOZA Rangel at ICE offices in Charlotte, North Carolina. MENDOZA Rangel's fingerprints were submitted through Next Generation Identification (NGI), which is connected to the National Crime Information Center (NCIC), and the automated biometric identification system used by ICE termed IDENT. The fingerprint-based reports that were generated disclosed that he was the subject of FBI Number REL8EFPAA, State Identification Number NC2087074A, and Immigration A-file Number 201-341-159;
8. That your Affiant conducted criminal justice inquiries and database searches, reviewed Immigration A-file 201-341-159 relating to MENDOZA Rangel, and discovered that:
 - a. his name is Luis Gustavo MENDOZA Rangel, per his own declarations;
 - b. he is also known as Luis Gustavo Mendoza-Rangel and Luis G Mendoza-Rengel;
 - c. he is citizen of Mexico by virtue of birth in Hidalgo, Mexico, on August 3, 1999, per his own declarations;
 - d. he was assigned FBI number REL8EFPAA, State Identification Number NC2087074A, and United States Marshals Register Number 12813-579;
 - e. on September 28, 2016, he was encountered by Border Patrol Agents at/ near Guerra, Texas, determined to be unlawfully present in the United States, and thereafter voluntarily returned to Mexico under the name Luis Gustavo Mendoza-Rangel;
 - f. on January 1, 2020, he was encountered by ICE Officers at the Iredell County, North Carolina, County Jail pursuant to his arrest earlier that day by the Mooresville Police Department for DRIVING WHILE IMPAIRED and DRIVE AFTER CONSUMING < 21, and he was determined to be unlawfully present in the United States;
 - g. on January 21, 2020, an Immigration Judge in Lumpkin, Georgia, granted him Voluntary Departure Under Safeguards (he was to remain in ICE custody until departure) until February 20, 2020, with an alternate order of removal to Mexico, under the name Luis Gustavo Mendoza-Rangel.
 - h. on January 27, 2020, agency form I-210 Voluntary Departure and Verification of Departure was completed, verifying that MENDOZA Rangel had voluntarily departed from the United States, on foot, at Brownsville, Texas;
 - i. on February 15, 2020, he was encountered by United States Border Patrol in the Rio Grande Valley at/near Hidalgo, Texas, and he was determined to be unlawfully present in the United States, and transported to the Rio Grande Valley Sector Centralized Processing Center;
 - j. on February 17, 2020, he was ordered removed from the United States by designated officials in McAllen, Texas, under the name Luis Gustavo Mendoza-Rangel;
 - k. on February 18, 2020, he was convicted in the United States District Court for the Southern District of Texas, McAllen Division, for Illegal Entry, in violation of Title

- 8, United States Code, Section 1325(a)(1), and he received a “time served” sentence under the name Luis Gustavo Mendoza-Rangel; and
1. on February 18, 2020, agency form I-296 Notice to Alien Ordered Removed/Departure Verification was executed,¹ and MENDOZA Rangel was removed from the United States to Mexico, by foot, from Hidalgo, Texas, under the name Luis Gustavo Mendoza-Rangel, being advised prior to removal that it is a crime after removal from the United States to enter, attempt to enter, or be found in the United States without the express consent of the Secretary of Homeland Security.
 9. That, on July 6, 2023, Department of Homeland Security’s Biometric Support Center – West Latent Print Examiner S. Crooms compared the known fingerprints of MENDOZA Rangel taken by ICE Officers on NCICE FD-249 arrest tenprint card dated June 27, 2023; NCICE FD-249 arrest tenprint card from A-file 201-341-159 dated January 02, 2020; I-210 Voluntary Departure and Verification of Departure from A-file 201-341-159 verifying a January 27, 2020, departure at Brownsville, Texas; and TXCBP FD-249 arrest tenprints for ALIEN INADMISSIBILITY UNDER SECTION 212 dated February 15, 2020; and determined that the fingerprints were made by the same individual;
 10. That, on July 10, 2023, your Affiant conducted extensive automated record checks of immigration indices and was unable to locate a record(s) that MENDOZA Rangel was granted permission by the Attorney General of the United States or the Secretary of the Department of Homeland Security to reapply for admission after deportation/removal.

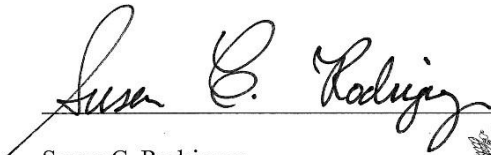
Based on the above information, your Affiant respectfully requests the issuance of a Criminal Complaint against Luis Gustavo MENDOZA Rangel.


/s/ Erin North, Deportation Officer
United States Immigration and Customs Enforcement

AUSA Kenneth M. Smith has reviewed this Affidavit.

In accordance with Rule 4.1(b)(2)(A), the Affiant attested under oath to the contents of this Affidavit, which was submitted to me by reliable electronic means, on this 11th day of July, 2023, at 2:34 pm.

Signed: July 11, 2023


Susan C. Rodriguez
United States Magistrate Judge



¹ In place of the defendant’s signature under his photograph is a stamped notation that he refused to sign. Additionally, no fingerprint was captured in the fingerprint block to the right of the signature line, indicating that he also refused to provide a fingerprint.